

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JULIA HUBBARD and KAYLA GOEDINGHAUS,	§	
	§	
Plaintiffs,	§	Case No. 5:23-cv-00580-FB
	§	
v.	§	
	§	
TRAMMELL S. CROW, JR., <i>et al.</i>	§	Judge: Hon. Fred Biery
Defendants.	§	Date Action Filed: May 8, 2023 (transferred)
	§	
	§	

DEFENDANTS' JOINT MOTION TO MODIFY SCHEDULING ORDER

Defendants Trammel S. Crow, Dr. Michael S. Woods, Dr. Melissa Scott Miller, Robert Pruitt, Shawn Mayer, Jade Mayer, Texas Ranger Cody Mitchell, Dr. Benjamin Todd Eller, H.J. Cole, Mrugeshkumar Shah, Kurt Knewitz, RCI Hospitality Holdings, Inc. and Case Grover (“Defendants”) jointly move pursuant to Federal Rule of Civil Procedure 16(b)(4) for an order modifying the expert disclosure dates, expert and fact discovery cutoff, and dispositive motion dates in the Court’s Scheduling Order (Dkt. No. 319) so that each date is continued by six months.¹ Specifically, Defendants request that the remaining pretrial deadlines in the Scheduling Order be continued as follows:

- Deadline for Plaintiffs to designate their testifying experts and serve all materials required by Fed. R. Civ. Proc. 26(a)(2)(B): from November 21, 2024 to May 20, 2025;

¹ Counsel for Defendant Crow conferred with counsel for Plaintiffs Julia Hubbard and Kayla Goedinghaus (“Plaintiffs”) before filing this motion and determined that they agree to the relief sought by the motion except that they think that only a five-month continuance of the requested dates is needed. Counsel for Defendant Crow also contacted Defendant Philip Ecob (*pro se*) before filing this motion to determine his position but did not receive a response from Mr. Ecob.

- Deadline for Defendants to designate their testifying experts and serve all materials required by Fed. R. Civ. Proc. 26(a)(2)(B): from December 20, 2024 to June 20, 2025;
- Deadline to complete all discovery: from January 21, 2025 to July 21, 2025; and
- Deadline to file dispositive motions: from February 21, 2025 to August 21, 2025.

Defendants agree on the relief sought by this motion and, as shown below, good cause exists to grant the requested relief. See Fed R. Civ. Proc. 16(b)(4) (scheduling order may be modified for good cause).

ARGUMENT

This action concerns Plaintiffs' claims against twenty-two named defendants for alleged sex trafficking, labor trafficking, and RICO conspiracy. (Sec. Amend. Compl. (Dkt. No. 292.) Thirteen defendants have appeared and are presently parties to the case while the other nine defendants were dismissed or have not appeared.² By order dated April 25, 2024, the Court set various pretrial dates, including deadlines regarding expert disclosures, fact and expert discovery, and dispositive motions. (Scheduling Order (Dkt. No. 319).) No trial date has been set in this matter. (Id.) The Court previously granted a motion to modify the scheduling order so that the deadline to complete ADR proceedings is extended until sixty days before the date of the trial setting. (8/26/2024 Order (Dkt. No. 356).) Accordingly, continuing the deadlines for expert disclosures, expert and fact discovery, and dispositive motions by six months will not interfere

² Proofs of service are on file for defendants Richard Hubbard, Scott Brunson, Ralph Rogers and Michael Hynes Jr., but they have not filed appearances. (See Proofs of Service (Dkt. Nos. 285, 287, 288, 309).) Summons was issued for defendant Michael Cain but no proof of service is on file regarding him. (Summons (Dkt. No. 338).)

with other scheduled dates in the case.

The parties have been engaged in discovery and working through various significant discovery issues which they continue to attempt to resolve without further motion practice.³ The parties alone have produced more than 166,000 records and continue to produce documents. Many of the produced records are in the form of audio and video recordings that require significant time to review. In addition, some Defendants have yet to begin their document productions due to various issues, including changes to their representation or entering an appearance in the case relatively recently. Also, dozens of third parties have been served with document subpoenas and are in the process of producing records. The parties continue to review the large number of produced records and anticipate that they may need to serve additional discovery requests and document subpoenas. In short, written discovery and document productions may not be complete for several months.

Due to the status of document discovery, no party has sought to schedule a deposition and it is unknown how many depositions will be taken in the case. Considering that fifteen parties have appeared, that there will likely be third-party witness depositions, and the large volume of records that have been produced and are expected to be produced, the parties will likely need multiple months to complete depositions.

Finally, work by the parties' experts cannot be finished until the production of certain categories of records is completed as well as certain depositions. For example, Plaintiffs allege that Defendants' actions "caused physical and emotional injury to Plaintiffs" in an undisclosed amount. (Sec. Amend. Compl. (Dkt. No. 292) ¶ 421.) Defendants contend that they need to

³ Discovery has been slowed by multiple discovery disputes that have led to motion practice before Magistrate Judge Chestney. (See 5/2/2024 Order Granting in Part Defendant's Mots. to Compel (Dkt. No. 325); 6/18/2024 Order Granting Mot. to Compel Plaintiffs' Full Compliance with Previously Ordered Reproduction (Dkt. No. 340).)

complete fact discovery concerning Plaintiffs' alleged physical and emotional damages before their potential damages experts render opinions.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the court grant the motion and enter an order modifying the Court's Scheduling Order so that the expert disclosure dates, expert and fact discovery cutoff, and dispositive motion dates are continued by six months.

DATED: November 27, 2024

Respectfully submitted,

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Pro Se

CERTIFICATE OF CONFERENCE

I certify that from November 14 to November 20, 2024, counsel for Mr. Crow conferred with counsel for Plaintiffs via email and telephone in a good faith attempt to resolve the subject matter of this motion and counsel for Plaintiffs agreed to the relief sought by the motion except that they think that only a five-month continuance of the requested dates is needed. I also certify that counsel for Mr. Crow also sought to confer with defendant Phil Ecob (*pro se*) before filing this motion to determine his position but did not receive a response from Mr. Ecob.

/s/ Kyle Folty-Smith

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing “JOINT MOTION TO CONTINUE ADR DEADLINE” was served on November 27, 2024, on all counsel of record via ECF and Defendant Phil Ecob (pro se) via U.S. Mail at the following address:

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Kyle Foltyn-Smith